



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Numbers: 2201879

Applicant Name: Mark Olthoff

Address of Proposal: 5559 34th Ave NE

SUMMARY OF PROPOSED ACTIONS

Master Use Permit for future construction of a 44.92 sq. ft. second story addition to an existing single family residence.

The following approval is required:

Variance – to allow an expansion of the principal structure into the required rear yard.
SMC Section [23.44.014 B](#).

SEPA DETERMINATION:

☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non exempt grading or demolition
or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The property is located at the intersection of 34th Avenue NE and NE 57th Street. The surrounding neighborhood is comprised primarily of single-family residences. Immediately to the east, south and west are single family homes. To the north is Bryant Elementary School. The site is relatively flat and is not located in a mapped Environmental Critical Area.

The site measures 3,120 square feet and is currently developed with a single family home. The property is zoned Single Family residential with a minimum lot area of 5000 square feet (SF 5000). All surrounding properties are similarly zoned.

Both 34th Avenue NE and NE 57th Street are paved residential streets with curbs, gutters and sidewalks.

Proposal

The project involves the reconfiguration and expansion of the partial second story to include a 44.92 sq. ft. addition in the rear yard. The project was originally noticed for a 43.75 sq. ft. addition in the rear yard and has been updated due to the required size of the rear yard.

The proposed remodel to this 1929 brick Tudor house includes increasing an existing dormer, converting attic space to a bathroom and adding a cantilevered dormer to an attic area to create a bedroom. Both the bedroom dormer and the westerly two-inches of the new bathroom dormer require a variance, specifically relief from the rear yard requirements.

The required rear yard on this lot is 15'-8" per [SMC 23.44.014 B](#). The applicant seeks to extend into this area by 6'-2" over the length of the 12'-6" cantilevered dormer. The applicant also requests to extend into this area by 2" over the length of the 7'-0" addition to the existing dormer. As drawn, the existing home extends into the required rear yard and is nonconforming with regard to development standards, and the proposal would increase that nonconformity.

Public Comment

DCLU published public notice of the proposed development on January 9, 2003, and the associated public comment period ended on January 22, 2003. DCLU received no comments.

ANALYSIS - VARIANCE

Variances may be authorized only when all of the variance criteria set forth at SMC Section [23.40.020](#) and quoted below are met.

1. **Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;**

The proposal site is approximately 40' x 78' equaling a total of 3,120 sq. ft in a SF 5000 zone. It is also a reversed corner lot, which requires a greater side yard (10'-0" as opposed to 5'-0"). The combination of the small lot size and the increased side yard allows for a buildable footprint of only 1,635 sq. ft. The Land Use Code sets a maximum allowable footprint of 1,750 sq. ft. in any lot in a SF 5000 zone or 35% of the lot area, whichever is greater. The development standards applicable to the site would result in maximum lot coverage of approximately 1,635 sq. ft. The project site is one of only three lots on this entire block without a lot depth of 112-feet. The owners of these deeper lots may increase the size and value of their property, while the owners of this property may not increase the size and value of their house without taking drastic measures. Those measures include replacing the entire second floor or even tearing down the house to rebuild. This is due in part to the brick Tudor style, where much of the second floor is within the steeply pitched roofs and therefore lacks adequate headroom.

The "unusual conditions" relate to the location of the existing home and the site's constrained buildable area limited by the substandard size of the lot.

The proposed addition falls within the rights and privileges commonly enjoyed by neighboring property owners and does not conflict with other zoning standards such as lot coverage and structure dimensions.

2. **The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;**

The proposed dormer is the minimum number of square feet needed to create a 9' x 10' bedroom, achieved largely through converting the attic space. The current house has a footprint of 1,030 sq. ft., and is nonconforming to current yard requirements on two sides. The proposed addition cantilevers 3'-6" over the rear yard, adding 42 sq. ft. to the footprint. This would make the total footprint of the house 1,072 sq. ft., still 563 sq. ft. less than the 1,635 sq. ft allowable on this site.

Given the size of the existing lot and the location of the existing dwelling on the lot, there is no reasonable way to improve the livability of the house without improving the second level which requires, at minimum, dormers for adequate head height. It is a minor addition that allows the owners to use their property in a similar manner to neighboring properties. This would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity.

3. **The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;**

The proposed addition appears to have support from several of the neighbors, including the adjacent properties (support letters are located in the application). The addition appears to be providing adequate separation and minimal visual impacts on the neighbor to the west (mass and shading).

Based on the side yard requirements from [SMC 23.44.014](#), the minimum space between any two single family residences is 10-feet. The addition into the rear yard would maintain 11'-6" clearance from the side of the neighboring house to the west over the 12'-6" length of the dormer. The neighboring house is 2-feet from the shared property line. The dormer would be 9'-6" from that property line. Since the house is a reversed corner lot, and because of the available space on the second floor, the addition is proposed on the southwest portion of the house, on the far side of the house from the abutting streets.

The proposed design is specifically designed to preserve and respect the historic character of the neighborhood and thereby benefit the public, the property and vicinity while doing no more than necessary to increase the usability of the existing second story.

4. **The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;**

The strict application of the Land Use Code would cause practical difficulties to create an additional bedroom due in large part by the lack of buildable area onsite. There is a 1-foot wide band along the south side of that house and a 3-foot section along the east side of the house where the driveway and entry are located. Several design options have been submitted by the applicant to demonstrate the practical difficulties of adding an additional bedroom in the principal building area while attempting to maintain the architectural character of the neighborhood. If the lot were a standard size of 5,000 sq. ft., achieved through greater lot depth, then the variance would not be necessary. The applicable requirement of the Land Use Code in this case, would cause undue hardship or practical difficulties to the applicant if not granted.

5. **The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use Policies or Comprehensive Plan component, as applicable.**

The spirit and purpose of the Land Use Code provides for preservation of the character of single-family neighborhoods and for housing opportunities. The proposed bedroom addition would provide more usable living space and would be compatible with these policies. It also maintains the life safety issues addressed by the Land Use Code by maintaining safe

distances between houses and not encroaching on others' views or natural light. The proposal is therefore consistent with the spirit and purpose of the Land Use Code and policies.

DECISION – VARIANCES

DCLU **APPROVES** the requested variance to allow a portion of principal structure to extend into the required rear yard.

Signature: _____ (signature on file) Date: March 10, 2003
Bryan C. Stevens, Land Use Planner
Department of Design, Construction and Land Use

BCS:smb

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